

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

CELSIUS NETWORK INC., a corporation,
CELSIUS NETWORK LLC, a limited
liability company, CELSIUS NETWORKS
LENDING LLC, a limited liability company,
CELSIUS LENDING LLC, a limited liability
company, CELSIUS KEYFI LLC, a limited
liability company, CELSIUS MINING LLC, a
limited liability company, CELSIUS US
HOLDING LLC, a limited liability company;
CELSIUS US LLC, a limited liability
company; CELSIUS MANAGEMENT
CORP., a corporation;

ALEXANDER MASHINSKY, individually
and as an officer of Celsius Network Inc.,
Celsius Network LLC, Celsius Networks
Lending LLC, Celsius Lending LLC, Celsius
KeyFi LLC, Celsius Mining LLC, and Celsius
US Holding LLC;

SHLOMI DANIEL LEON, individually and
as an officer of Celsius Network Inc., Celsius
Network LLC, Celsius Networks Lending
LLC, Celsius Lending LLC, Celsius KeyFi
LLC, Celsius Mining LLC, Celsius US
Holding LLC; and

HANOCH “NUKE” GOLDSTEIN,
individually and as an officer of Celsius
Network LLC and Celsius Lending LLC,

Defendants.

Case No. 1:23-cv-06009-DLC

**DECLARATION OF ALLISON M. WUERTZ IN SUPPORT OF DEFENDANT
S. DANIEL LEON’S MOTION TO DISMISS**

I, ALLISON M. WUERTZ, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am a partner of the law firm of Hogan Lovells US LLP, counsel for Defendant S. Daniel Leon in the above-captioned action. I am admitted to practice and am a member in good standing of the state bar of New York. I am authorized to submit this Declaration, and am competent to testify on the matters contained herein. I make this declaration in support of Defendant Leon's Motion to Dismiss the Complaint filed by Plaintiff Federal Trade Commission (the "FTC") (the "Motion to Dismiss").

2. I submit this declaration to place before the Court true and correct copies, or excerpts of copies where noted, of documents cited in the Memorandum of Law in Support of Defendant Leon's Motion to Dismiss.

3. Attached hereto as **Exhibit 1** is a true and correct copy of the FTC Press Release announcing the FTC settlement reached with Celsius Network, dated July 13, 2023. This document is publicly available on the FTC's website at <https://www.ftc.gov/news-events/news/press-releases/2023/07/ftc-reaches-settlement-crypto-platform-celsius-network-charges-former-executives-duping-consumers>.

4. Attached hereto as **Exhibit 2** is a true and correct copy of the transcript, auto generated by YouTube, of the July 17, 2020 Ask Mashinsky Anything video cited by the FTC at Paragraph 35 of the Complaint. The video recording and transcript of the July 17, 2020 Ask Mashinsky Anything video is publicly available on the Celsius YouTube page at <https://www.youtube.com/watch?v=csFrn4XtwL0>.

5. Attached hereto as **Exhibit 3** is a true and correct copy of Examiner's Report in the Bankruptcy Proceeding, *In re Celsius Network LLC, et al.*, Case No. 22-10964 (Bankr. S.D.N.Y. Jan. 31, 2023), ECF No. 1956. This document is publicly available on the docket in the Bankruptcy Proceeding.

I swear under the penalty of perjury that the foregoing is true and correct.

Dated: October 11, 2023
New York, New York

/s/ Allison M. Wuertz
Allison M. Wuertz